

FILIPPATOS PLLC  
Parisis G. Filippatos (PF1593)  
303 Park Avenue South, Suite 1422  
New York, New York 10010  
(212) 682-2400  
*Attorneys for Defendants*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOHN L. PETEREC-TOLINO, 08-CV-00891 (SCR) (MDF)

Plaintiff,

- against -

**DECLARATION OF  
PARISIS G. FILIPPATOS**

COMMERCIAL ELECTIRCAL CONTRACTORS, INC.,  
CIRO LUPO, STEVEN LONDON, ARTHUR LOWETH,  
and EDWARD HARAP,

Defendants.

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PARISIS G. FILIPPATOS, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows:

1. I am a member of Filippatos PLLC, attorneys for defendants herein and make this declaration in support of defendants' motion to dismiss the instant federal complaint for failure to state a claim upon which relief can be granted.
2. Annexed hereto as Exhibit A is a true and correct copy of a Summons and Complaint, dated July 2, 2007, which was filed in the New York State Supreme Court by the plaintiff *pro se* herein against all of the defendants herein.
3. The state court complaint sounding in wrongful termination of employment arises out of a nucleus of operative facts common to the action herein and involves all of the parties identical thereto.
4. Annexed hereto as Exhibit B is a true and correct copy of a Decision and Order issued by the New York State Supreme Court on April 16, and filed on April 24, 2008, dismissing the state court complaint for failure to state

a legally cognizable cause of action.

5. Annexed hereto as Exhibit C is a true and correct copy of a Charge of Discrimination, dated March 29 2007, wherein plaintiff *pro se* herein alleges age discrimination, disability discrimination, and retaliation against all of the defendants herein.
6. Annexed hereto as Exhibit D is a true and correct copy of a Letter Determination by the Equal Employment Opportunity Commission ("EEOC"), dated November 28, 2007, dismissing the discrimination and retaliation charges asserted by plaintiff *pro se*.
7. Annexed hereto as Exhibit E is a true and correct copy of Dismissal and Notice of Rights issued by the EEOC to plaintiff *pro se* on November 28, 2007.
8. Annexed hereto as Exhibit F is a true and correct copy of the Complaint for Employment Discrimination, dated January 9, 2008, which was filed in this Court by plaintiff *pro se* against all of the defendants herein.
9. For the reasons stated in the Memorandum of Law in Support of Motion to Dismiss, dated August 8, 2008, and submitted herewith, the instant federal action should be dismissed in its entirety against all defendants -- both corporate and individual -- on the basis of issue and claim preclusion and against the individual defendants because under controlling precedent no federal cause of action can lie against them.
10. I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
August 8, 2008



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